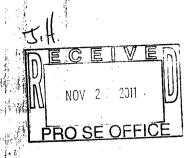
11 CW. 8721



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UNITE	D STATES DISTRICT COURT			*	•	
SOUTH	ERN DISTRICT OF NEW YORK					
			1111			
FELT	X GARCIA, OYAZ384	1 Page 1		4	• •	
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		3.77		COM	PLAINT	
	-against- }				der the	
			Civil F		uer me ct, 42 U.S.C. §	1000
<u> </u>	L. CARRINGTON,				er Complaint)	1963
			•	(21,00110	/ Complaint)	
C.O.	B. White		lur	y Trial:	Yes 1	.T
			. 301	y iliai.		VO
					(check one)	
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may be served. Make sure that the defendant(s) listed below are identical to those contained in the

above caption. Attach additional sheets of paper as necessary.

Rev DS/2007

Defendant No. 1	Name 1. CARRIA	1GITON_	Shield #	
Defendant 1vo. 1	Where Currently Employed Address 354 Hunter	SING SING	Correctional	Facility
	Address 354 Hunte	r street, OSSIN	ing Ny 10	1562-
	5442	,		
Defendant No. 2	F 111h	<u>-</u> ·	Shield#	
Defendant No. 2	Where Currently Employed	SING SING (corrections	Faxility
	Address 354 Hunt	er street. 055	ining Ny1	10562-
	5442			
D C dank Nic 2	Name		Shield #	
Defendant No. 3	Where Currently Employed			
	Address			
- C 1 1 1 1 1 1 1	Name		Shield#_	
Defendant No. 4	Where Currently Employed			
	Address	j		
Defendant No. 5	Name		Shield #_	
Defendant 140. 5	Where Currently Employed			
	Address			
II. Statement				
State as briefly as D	ossible the facts of your case.	Describe how each of	the defendants na	med in the
	ossible the <u>facts</u> of your case. laint is involved in this action, all clude further details such as the			
	Da mot cittle anti legal argilimelli	15 OF CHE 8114 CASES OF 91	aluco. Il fou miles	
a number of related	claims, number and set form es	ach claim in a separate	paragraph. Attach	i addinonai
sheets of paper as no		_		
A. In what insti	itution did the events giving rise	to your claim(s) occur?	SING SI	TNGT_
Correction	al FACILITY			
	•	a rise to your claim(s)	occur? House	a Blak
B. Where in the	e institution did the events givin	g rise to your claim(s) c	Court Houser	9 13.000
A, Between	n H 3 m Galleries.	·		
	,			
C. What date a	nd approximate time did the eve	ents giving rise to your o	claim(s) occur? <u>I</u>	ec 8th,
2010				
0010				

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened? D. Facts: On 12/8/10. I Felix Connects was going through

HBA Gym magnimiter which I cleared, but was their

steped by othice white white while instructed me to

put my belt on before going into the gym, I believe I sighed

and was told to get on the wall by the phones, Officer

CAPLINGTION told officer B. white to send me back

to my cell, as I started to protect, officer Corrington

fold me to "Shut The Fuck up" I told him

Something to the effect, that he cant stop me from

tulking. I then had to wait till every inmite entired

the gym, I was then fold to stand in a search stope

the radiator is. Officer Carrington then spread my leg

so for apart that the paids was tremendous while

my name are on the radiator getting burnt, he feept

kicking my feet apart every time I tryed to gain Controle

So I would fall. I was told if I fell the would

beat the shit cut at me. Carrington made me say a busch

the years and No for B. white, after I complete I was told to

go to my cell, when I get off the wall I sighed of Carrington

Me ma for the told me a bile causing, then pushe me up the stoirs I Notified

my galory officer, I kruse, who notified sight cossanes, who took me he modicas.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I sustained pain in my grain area and two humed arms, I was given Buscitracia, and tyland.

I was scheduled to came back to medical but was keep lucked and was denied by the black to go to medical. I have a scare on my Left fire arm. It is dute. I also had strangulation marks on my Neck.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes _____ No _____

events giving rise to your claim(s). Sing Sing CF B. Does the jail, prison or other correctional facility where procedure? Yes No Do Not Know C. Does the grievance procedure at the jail, prison or other correctional facility.	e your claim(s) arose have a grievance
C Does the grievance procedure at the jail, prison or other c	ti 1 5- cility rubore your claim(s)
arose cover some or all of your claim(s)? Yes No Do Not Know If YES, which claim(s)?	
D. Does the grievance procedure at the jail, prison or other carose not cover some of your claim(s)? Yes No Do Not Know If YES, which claim(s)?	
E. Did you file a grievance in the jail, prison, or other correct Yes No If NO, did you file a grievance about the events described in thi other correctional facility? Yes No	
F. If you did file a grievance, about the events described in grievance?	n this complaint, where did you file the
1. Which claim(s) in this complaint did you grieve?	assult & distruction of
2. What was the result, if any? Denied	
3. What steps, if any, did you take to appeal that de the highest level of the grievance process. — Faple of Sing, Albany Color burn Grenerals office.	called to the superintendent

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Med 11/29/11 Page 5 of 16

Time of incident: Approx 7:30 P.M.

48673

To: Grievance Unit.

From: Felix Garcia

Din: 04 - A - 2384

Cell Location HBA - L-88

Re: ASSAULTED BY OFFICER.

I'm writing in regards to an issue that took place between walkway of A block, H and M gallery.

I was on my way to the gym when Officer B. White told me to put my belt on I started to comply, when she told me to get searched. (Carrington (Officer) told Miss White, (Officer White) send me back too my cell. I protest when he Officer Carrington told me to "shut the fuck up." "I told him he cant stop me from talking." I was then told to get back on the original wall, but was not again search, I waited till gym run was ever then was told to go between H-an M Company where officer Carington spread my leg so far I caught a tremendous pain in my grown, and was told if I fell he was gonna beat the shit out of me. He then made me say a bunch of yeses an no's, for Officer B. White.

RECEIVED

DEC I 3 2010

SING SING I.G.P.

Every time I try to gain control of my stance Officer B. White keep kicking my feet apart so that I would try to fall, After maybe 4 min. of being humiliated, and degrateed as well as striped of my pride I was told to go to my cell, I then looked at Officer Carrington and signal, he then proceeded to choked for about 9 second while screaming all type of obscenities. He then pushed me up the stairs, when I got back to my gallery and reported my injury to Officer Kruse, which was then convoyed to sergeant Cossanas. I was then brought to medical were they attended to my injurys.

I'm asking that action be brought against the Officer involved, and I want to be paid for my glasses in full. I will provide the receipts to show what I paid for them.

Sincerely yours,

Felix Garcia 04A2384

12/8/10 Time 10:36.

CC:file.

To: Grievance Committee

From: Felix Garcia 04A2387, HBA-L-88

Re: Previous grievance/Addendum which was submitted contained a number of typographical errors which I would like to correct, and have this stand as my grievance in place of the old one. Pleas note that the substance of my recitation of the chain of events described in my grievance is essentially the same. This is only an addendum for the sake of clarity and precision. It is therefore requested that this new grievance be accepted in place of the old.

I was on my way to the gym when Officer B. White told me to put on my belt after I cleared the "mag." I started to comply when she told me to get searched. Officer Carrington told Officer White to send me back to my cell. I was placed on the wall and, while on the wall, I explained to Officer Carrington that I did not ring in the "mag." Officer Carrington told me to "Shut the fuck up!" I said that he can't stop me from talking, or something to that effect. I proceeded to walk away from the wall and told to get back on the wall.

Each time that I was placed on the wall, I was not searched.

I was then made to wait until the gym run was over, and then told to go between "M" and "H" Companies. While placed on the wall in that area, Officer Carrington made me spread my legs so far, I caught a tremendous pain in my groin, and was told that if I fell, he was going to "beat the shit out of me." He then made me say a series of "yeses" and "no's" for Officer B. White.

Every time I tried to gain control of my balance, Officer B. White kicked my feet apart so that I would have to struggle not to fall. After approximately 4 minutes of being humiliated and degraded, as well as stripped of my pride, I was told to return to my cell. I then looked at Officer Carrington and sighed. He then proceeded to choke me for about 9 seconds, while screaming all kinds of obscenities. He then pushed me up the first flight of stairs, stopping immediately before the bridge adjacent to the bridge.

When I returned to the gallery, I reported my injuryto Officer Kruse, which was then conveyed to Sgt. Casssans. I was then brought to medical, where they attended to my injuries.

Please not that I was made to get in a search stance by the radiator, which caused my arms to get burned.

I am asking that action be brought against the officers involved and I want to be paid in full for my glasses which were broken as a result of being thrown on the floor. (Grievant can provide a receipt to substantiate the cost of the broken glasses)



12/09/10 ---CP004.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1 DISCIPLINARY + 機ARING DISPOSITION RENDERED

SING GN	TAPE	NUMBER 10-299 /10-299
GARCIA, FELIX	LO	CATION: 0A-LN-88S
E: 12/08/10 07	:00 PM TIER 2	
12/09/10	BY: LT	MCMORROW
12/09/10	04:18 PM BY: CO	K.DALTON
R TIME: 12/11/10/0	145AM BY: LT	MEJIA
rime: /2/1//10/1	05 AM BY: 4	MEJIA
The state of the s	• · · · · · · · · · · · · · · · · · · ·	· · ·
TION OF CHARGES	REPORTED BY	DISPOSITION
DISTURBANCE	CO B.WHITE	DIIMITTED
	· · · · · · · · · · · · · · · · · · ·	
CE WITH EMPLOYEE		DISMISSED GUILTY
IRECT ORDER		(-ITI)
		OUTC1 X
	GARCIA, FELIX E: 12/08/10 07 12/09/10 E: 12/09/10 R TIME: 12/11/10/16 TIME: 12/11/10/16	E: 12/08/10 07:00 PM TIER 2 12/09/10 BY: LT E: 12/09/10 04:18 PM BY: CO R TIME: 12/11/10/15 AM BY: LT TION OF CHARGES REPORTED BY DISTURBANCE CO B.WHITE

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE INMATE.

PENALTY CODE DESCRIPTION OUT HITARTALO	PENALTY MO DAYS		DATE		DEFERRED MO DAYS	RESTITUTION \$\$\$\$. ¢¢
BYOO PREMIEARENG	34	2/8/10	12/11/10			
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1/2/09/10

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 2

DCP004

DISCIPLINARY HEARING DISPOSITION RENDERED

DIN: 04A2384 NAME: GARCIA, FELIX

HEARING DATE: 19 -/()

A. STATEMENT OF EVIDENCE RELIED UPON:

DOES NOT SUPPORT CHARGES 104.13 DISTURBANCE OR 107.10 INTERFERENCE BOTH CHARGES ARE DISMISSED MY ASSESSMENT ALONG WITH CO. WHITE'S REPORT THAT INMATE REFUSED 106.10 DIRECT ORDER.

B. REASONS FOR DISPOSITION: TO ENFORCE DEPARTMENTAL ROLES

AND TO INSTILL TO THIS INMATE THAT HE

MUST OBEY DIRECT ORDERS

C. SPECIAL INSTRUCTION ON VISITATION OR CORRESPONDENCE RESTRICTIONS, REFERRALS
OR SPECIAL EVENT LOSS:

HEARING OFFICER SIGNATURE

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING APPEAL PROCEDURES:

FOR TIER II HEARINGS-APPEAL TO COMMISSIONER WITHIN 30 DAYS.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

SING-SING CORRECTIONAL FACILITY

MEMORANDUM

TO:

Felix, Garcia 04A2384

FROM:

E. Mejia, Lieutenant

SUBJECT: Grievance 48673 and Complaint to Superintendent P. Heath

DATE:

January 3, 2011

In Regards to Your Grievance # 48673 and Complaint Made to Superintendent Heath. I Assigned the Investigation to Sergeant M. Barnes. He Interviewed and Received Written Memorandums by Staff Members that you named in your Grievance and Complaint Denying Your Allegations as well as interviewing you. Your Inmate Injury Report of Redness to your Neck and Redness to both your Forearms Does not Reveal any Blistering to the Forearms or Bruising to your Neck area. After Reviewing all Documentation and Communicating with Sergeant Barnes I Find no Merit to your Claims. If you can produce any new Evidence to your claim you may contact me or submit Evidence to the Superintendent.

Respectfully submitted

Lieutenant E. Mejia

	Correction on 2 Filed 11/29/2	DATE age 12 of 16 12/13/2010
STATE OF NEW YORK DEPARTMENT OF	FACILITY:	POLICY DESIGNATION
CORRECTIONAL SERVICES	SING SING C.F.	INSTITUTIONAL
	TITLE OF GRIEVANCE	CLASS CODE:
Inmate Grievance Program	STAFF CONDUCT	49
Superintendent Response	SUPERINTENDENT'S SIGNATURE	DATE
	Office of death	
GRIEVANT: GARCIA, F.	DIN #: 04-A-2384	HOUSING UNIT: A-L-88
Grievant claims he was harassed by staff.		
Grievant was interviewed by Sgt. M. Barnes. Grievant else to add to his written statement except that he which he also alleged that he was burned as a resu Grievant also stated that Officer P. Brown was a withe officers named in this grievance.	had submitted a complaint to the Superinte lt of a pat frisk conducted under walkway vitness to the alleged assault. He stated that	endent and Inspector General's Office in H & M Galleries and end gates heating pipes. at he has never had any problems with any of
Officer P. Brown states that he was present when the HBA gym. Officer P. Brown stated that words we grievant to go to pat frisk position on the wall by ton the wall. Officer P. Brown continued to condute to his gallery, with the grievant with his hands in Brown.	ere exchanged between Officer White and the phones. Officer L. Brown and L. Carrict pat frisks on other inmates entering the	the grievant. Officer White directed the ngton directed P. Brown to leave the grievant gym and after this was completed he returned
Officer B. White stated that the grievant was loud given a direct order to submit to a pat frisk in the pat further incident after the pat frisk was completed. unprofessional manner, nor was he pat frisked between	shone area on the east wall on M Gallery. Officer White stated that at no time did sh	Grievant was escorted to his gallery with no
Officer L. Carrington stated that he pat frisked and denies choking the grievant or pushing him up the damage grievant's glasses by throwing them to the M Galleries.	stairs. Officer Carrington did not use any	force while frisking the grievant, nor did he
Officer J. Kruse states that on the date in question to Medical because of the incident that took place		
Officer L. Brown stated that he witnessed officers escorted the grievant back to L Gallery, and at no		by the HBA gym door. Officer L. Brown
Based on the investigation conducted, there is no e	evidence to support grievant's allegations.	Grievance is denied.
	APPEAL STATEMENT	
IF YOU WISH TO REFER THE ABOVE DECISION OF YOUR INMATE GRIEVANCE CLERK. YOU HAV PLEASE STATE WHY YOU ARE APPEALING THE	E SEVEN (7) DAYS FROM RECEIPT OF TH	
GRIEVANT'S SIGNATURE	DATE	

GRIEVANCE CLERK'S SIGNATURE

DATE

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL	Grievance Number SS-48673-10 Associated Cases	Desig/Code I/49	Date Filed 12/13/10
SERVICES	Facility Sing Sing Correctional	l Facility	
INMATE GRIEVANCE PROGRAM CENTRAL OFFICE REVIEW COMMITTEE	Title of Grievance Harassment By Staff		

4/20/11

GRIEVANT'S REQUEST UNANIMOUSLY DENIED

Upon full hearing of facts and circumstances in the instant case, the action requested herein is hereby denied. CORC upholds the determination of the Superintendent for the reasons stated.

CORC notes that the facility administration has conducted a proper investigation. CO W... denies kicking the grievant's legs or acting in an unprofessional manner. CO C... denies using profanity, frisking the grievant in an improper or forceful manner, or damaging his eyeglasses. CO B... was present during the pat frisk and denies witnessing staff behave inappropriately. CORC notes that the grievant was examined by medical staff following his complaint of being injured. Contrary to the grievant's assertions, CORC has not been presented with sufficient evidence to substantiate any malfeasance by staff.

CORC notes that Directive #4040, Section 701.1, states, in part, that the grievance program is not intended to support an adversary process and Section 701.6 (b) states, in part, that no reprisals of any kind shall be taken against an inmate or employee for good faith utilization of this grievance procedure. An inmate may pursue a complaint that a reprisal occurred through the grievance mechanism.

In regard to the grievant's appeal, CORC asserts that all relevant information must be presented at the time of filing in order for a proper investigation to be conducted at the facility level. CORC advises him to address any further medical concerns via facility sick call procedures.

CORC notes that the grievant has been transferred.

JD/dz	•

Case 1:11-cv-08721-JGK Document 2 Filed 11/29/11 Page 14 of 16

1. If YES, whom did you inform and when did you inform them? 2. If NO, why not? 1. Please set forth any additional information that is relevant to the exhaustion of your admirendies. The fryed to chloring medical receives but these talky as the first three that my medical receives that the solution that is relevant to the character of the first three theorem and contained the first three as not fine that for medical transfer the first transfer of the first	1. If YES, whom did you inform and when did you inform them? 2. If NO, why not? 3. Please set forth any additional information that is relevant to the exhaustion of your adm remedies. 4. The tryed to chick my medical records for these test by EN measure that my medical records for the tree test for the try medical tree-level to a 12/8/10. Pictures were taken as useful tree-level to the Bosen should led true general tree as useful tree-level administrative remedies. Note: You may attach as exhibits to this complaint any documents related to the exhaustic administrative remedies. V. Relief: State what you want the court to do for you. 5. A sum of 15.000, for paint 3. VI. Previous lawsuits: A. Have you filed other lawsuits in state or federal court dealing with the same facts involved.	1. If YES, whom did you inform and when did you inform them? 2. If NO, why not? 1. Please set forth any additional information that is relevant to the exhaustion of your adnotened is. The stryed see Cettern my medical records but the does not have the sure that my medical records but the sake T west but The local and which sake T west but The been should led from germany there as well. Furthern others B white fals right a treat against the as well. Tweltern others B white fals right a treat against the same that we remedies. V. Relief: State what you want the court to do for you. I would like to be Comp for monotory award for the Sum of 18.000, for pain \$5.000. VI. Previous lawsuits: A. Have you filed other lawsuits in state or federal court dealing with the same facts invo action?	•	Yes No
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action?	action?	action?		
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	,		VI.	Previous lawsuits:
	Yes No	Yes No /	VI.	Previous lawsuits: Have you filed other lawsuits in state or federal court dealing with the same facts involved.

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В.	If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (Ιf
there	e is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the san	16
form	nat.)	
	1. Parties to this previous lawsuit:	
	Plaintiff	_
	Defendants	
	2. Court (if federal court, name the district; if state court, name the county)	_
	3. Docket or Index number	
	4. Name of Judge assigned to your case	
•	5. Approximate date of filing lawsuit	
	6. Is the case still pending? Yes No	
	If NO, give the approximate date of disposition	
	7. What was the result of the case? (for example: Was the case dismissed? Was the	ſе
	judgment in your favor? Was the case appealed?)	
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<u>Note</u> :	All pl their i	aintiffs named in t nmate numbers ar	he caption of the ad addresses.	e complaint r	nust date and	sign the con	plaint and p	orovide
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